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Hearing Date: May 15, 2014
Time: 10:00 a.m.

Objection Deadline: May 8, 2014
Time: 5:00 p.m.

*Attorneys for Irving H. Picard, Trustee
for the substantively consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION
(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

KINGATE GLOBAL FUND, LTD., by its Liquidators; and
KINGATE EURO FUND, LTD., by its Liquidators,

Defendants.

Adv. Pro. No. 12-01920

NOTICE OF MOTION FOR PRELIMINARY INJUNCTIVE RELIEF

PLEASE TAKE NOTICE that Irving H. Picard (the “Trustee”), as trustee for the
substantively consolidated liquidation of Bernard L. Madoff Investment Securities, LLC and the

estate of Bernard L. Madoff, by and through the Trustee's undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, Alexander Hamilton Customs House, Courtroom 723, One Bowling Green, New York, NY 10004, on May 15, 2014 at 10:00 a.m., or as soon thereafter as counsel may be heard, for entry of an order pursuant to § 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.*, on the grounds and for the reasons set forth in the accompanying Memorandum of Law in Support of Trustee's Motion for Preliminary Injunctive Relief and the Declaration of Gonzalo S. Zeballos, Esq. in Support of Trustee's Motion for Preliminary Injunctive Relief, preliminarily enjoining the Joint Liquidators acting on behalf of defendants Kingate Global Fund, Ltd. and Kingate Euro Fund, Ltd. (the "Kingate Funds"), and all those acting on the Joint Liquidators' behalf or in concert with them, from taking any action in connection with, or to accomplish, the actual or attempted dissipation, transfer, disposition, disbursement, or distribution of any or all assets that the Joint Liquidators may recover from, or collect upon, any settlement reached or judgment entered in favor of either of the Kingate Funds in the civil action commenced in the Supreme Court of Bermuda, Commercial Court against Federico Ceretti, Carlo Grosso, Kingate Management Limited, FIM Advisers LLP, FIM Limited, Ashby Trust, First Peninsula Trustees Limited (as trustee of Ashby Trust), El Praela Trust, Port of Hercules Trustees Limited (as trustee of El Praela Trust), Alpine Trustees Limited (as former trustee of El Praela Trust), El Praela Group Holding Services Limited, Ashby Holding Services Limited, Ashby Investment Services Limited, and El Praela Trading Investments Limited.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the Motion must: (i) be in writing, conform to applicable rules of this Court, and be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, NY 10004, in accordance

with General Order 242, by no later than **5:00 p.m. on May 8, 2014** (the “Objection Deadline”) (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein); and (ii) be served upon (a) Baker & Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, NY 10111, Attn: David J. Sheehan and Geraldine E. Ponto; and (b) Securities Investor Protection Corporation, 805 15th Street, N.W., Suite 800, Washington, D.C. 20005, Attn: Kevin H. Bell, so as to be received no later than the Objection Deadline. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Motion.

PLEASE TAKE FURTHER NOTICE that notice of the Motion will be provided by U.S. Mail or email to all defendants in this adversary proceeding in accordance with the Order Establishing Notice Procedures (ECF No. 4560). The Trustee submits that no other or further notice is required.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted.

Dated: April 23, 2014
New York, NY

/s/ David J. Sheehan
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